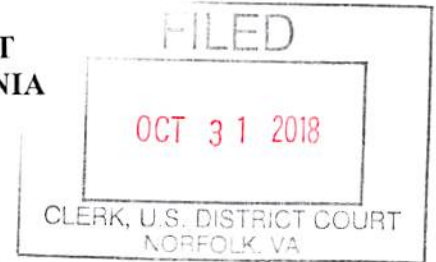


THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF VIRGINIA  
Newport News Division



UNITED STATES OF AMERICA

v.

CRIMINAL ACTION NO. 4:18-cr-23

BYRON HALE DELAVAN,

Defendant.

**ORDER**

On October 31, 2018, the Court conducted a hearing on the Motion to Inquire About a Possible Conflict of Interest. The Court will issue a Memorandum Opinion and Order to further explicate the basis for its ruling from the bench.

During the hearing, the Court received testimony from Special Agent Michael McMahon of the FBI who conducted an interview with Missy Andrews (formerly Cannon) on July 9, 2010 as part of an unrelated investigation of which the Defendant was the subject. The Court found that Mr. Kelleter, counsel for Byron Hale Delavan ("Defendant"), represented Missy Andrews during the interview, and that Missy Andrews was the office manager for the Defendant at the time of the interview. As such, the Court finds that Mr. Kelleter has a conflict of interest between his client and Missy Andrews, a key government witness. Accordingly, Mr. Kelleter must withdraw from representation of the Defendant. The Defendant must retain alternative counsel within ten (10) days from the date of this Order. If he cannot afford an attorney, one will be appointed for him.

Further, Mr. Kelleter is ordered to provide all discovery that the United States has provided in this case only to new counsel. In view of the Court's ruling on this matter, this case is continued. After the Defendant has secured new counsel, the case will be rescheduled.

**IT IS SO ORDERED.**

Norfolk, Virginia

October 31, 2018

A blue ink signature, appearing to be "RJ", is written over a horizontal line.

Raymond A. Jackson  
United States District Judge